



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,556	12/08/2003	Timothy D. Sporre	758.1631US01	5063
7590 05/25/2006 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER

1724

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/731,556

Applicant(s)

SPORRE ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Objections***

Claim 16 is objected to because of the following informalities: Claim 16 depends on a canceled "claim 15". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott et al (6,129,852).

Elliott et al teach a nozzle (9) for use with a filter cleaning system (col. 1, lines 6-9) comprising a nozzle body having a first end and a second end, the first end defining a primary fluid jet passage (18), the second end defining multiple exhaust tubes (14 in Figs. 3 & 4), and a diffuser arrangement located to the second end of the nozzle body including a number of different configurations such as hexagonal pyramid divergent portion or hexagonal prismatic portion (see col. 6, lines 47-51) or any other desirable shape (col. 6, lines 52-59). Elliott et al further teach the air flow exiting through the multiple exhaust tubes (14) in a non-perpendicular direction relative to the centerline of the primary fluid jet passage (see the configuration of 14 in Fig. 4) or at the angle (see col. 4, lines 16-35) (see also col. 4, lines 55-60, col. 6, lines 22-28 and lines 46-49).

Claims 10-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Simonsen et al (6,332,902 B1).

Simonsen et al teach a manifold and a valve arrangement for use with a filter cleaning system (col. 1, lines 14-17) comprising a manifold (14), a valve (15) mounted to the manifold (14), first and second seals, openings (18) located in the manifold (14), and a diaphragm selectively positionable in open and closed positions to control fluid communication through the valve (15) (see details of Fig. 2). Simonsen et al further show the fluid passage being tapered from the first end to the second end (see Fig. 2) (see also col. 2, lines 40-65, col. 5, lines 25-39 and line 64 through col. 6, line 10, col. 6, line 18 through col. 7, line 49, col. 8, lines 31-41).

### ***Double Patenting***

Claim 19 of this application conflict with claims 1-4, 6 and 20 of Application No. 10/731,564. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

### ***Response to Amendment***

Applicant's arguments filed on April 3, 2006 have been fully considered but they are not persuasive.

Applicant argues that the cited Swiss Patent (SH 689632 A5) does not disclose various limitations in the pending claims such as a nozzle with a diffuser, the structure of the valve mounted to a manifold of a filter cleaning system.

The Examiner now drops the Swiss reference and newly introduces Elliott et al (6,129,852) as the primary reference under the 102(b) rejections of claims 9, 20 and 21 to show a nozzle (9) for use with a filter cleaning system (col. 1, lines 6-9) comprising a nozzle body having a first end and a second end, the first end defining a primary fluid jet passage (18), the second end defining multiple exhaust tubes (14 in Figs. 3 & 4), and a diffuser arrangement located to the second end of the nozzle body including a number of different configurations such as hexagonal pyramid divergent portion or hexagonal prismatic portion (see col. 6, lines 47-51) or any other desirable shape (col. 6, lines 52-59), as claimed. Elliott et al further teach the air flow exiting through the multiple exhaust tubes (14) in a non-perpendicular direction relative to the centerline of the primary fluid jet passage (see the configuration of 14 in Fig. 4) or at the angle (see col. 4, lines 16-35) (see also col. 4, lines 55-60, col. 6, lines 22-28 and lines 46-49), as claimed.

The Examiner newly introduces Simonsen et al (6,332,902 B1) as the primary reference under the 102(b) rejections of claims 10-14 and 16-18 to show a manifold and a valve arrangement for use with a filter cleaning system (col. 1, lines 14-17) comprising a manifold (14), a valve (15) mounted to the manifold (14), first and second seals, openings (18) located in the manifold (14), and a diaphragm selectively positionable in open and closed positions to control fluid communication through the valve (15) (see details of Fig. 2). Simonsen et al further show the fluid passage being tapered from the first end to the second end (see Fig. 2) (see also col. 2, lines 40-65, col. 5, lines 25-39

and line 64 through col. 6, line 10, col. 6, line 18 through col. 7, line 49, col. 8, lines 31-41), as claimed.

The Examiner rejects claim 19 under double patenting rejections because claim 19 of this application conflict with claims 1-4, 6 and 20 of Application No. 10/731,564. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822. Claim 19 of this instant application and claims 1-4, 6 and 20 of Application No. 10/731,564 disclose the same subject matter which is a method of servicing a gas turbine air intake system comprising the steps of cleaning the filter media via pulsing to remove particulate material on the upstream flow face of filter and assessing the filter cleaning system from the upstream side of the tubesheet.

Claims 1-8 are allowable as indicated in the previous Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

Art Unit: 1724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit : 1724**  
**May 23, 2006**